

Environmental Compliance Plans

- **Construction**
- **Maintenance**



**South
Central
Region**

Environmental Construction Services Program



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Program Summary

1. Program Definition

The South Central Region, Environmental Construction Services Program works in coordination with the SCR Construction Offices to ensure compliance with environmental commitments, permits, current laws and regulations. The details of the program will be tailored to meet the needs of the SCR Assistant Regional Administrator for Construction, individual construction PE's and support staff. The program will focus on positive compliance reporting and performance for construction work to resolve non-compliant issues in an efficient and collaborative manner.

Construction Services Program Goals

- Ensure compliance
- Recognize and report positive results
- Communicate in an efficient and collaborative manner
- Understand contract administration
- Act as region contact to resource agencies
- Provide support and training

Organization

The Environmental Construction Services Program will be organized by the use of construction field staff to perform most of the routine inspections and monitoring. Monitoring reports are completed on a routine basis by the Engineering field staff, then refined in data management form by environmental compliance staff. A Quarterly Summary Report will be developed by the Environmental Construction Coordinator and disseminated to the appropriate parties within WSDOT (see quarterly summary report sample).

Data organization will be kept in the Environmental Office and information will be available for review at any time.

Training

Training will consist of a general project session with each construction office, and a specific monitoring and permit overview session with the field personnel prior to construction. The general project session meetings will be handled at the discretion of each Contract PE and will likely include:

- Applicable project overview
- Updates on new or changing regulations
- Reporting updates
- BMP implementation and training
- Standard Specification changes
- 6 month review of permits and commitments
- Post construction lessons learned

The monitoring and permit overview training will be directed toward the construction staff responsible for construction compliance. The training will consist of an overview of the compliance field books, best management practices and other work aids specific to the project. This training will be updated and/or repeated whenever necessary.

Communication Strategy

Communication between the Contract PE, Construction Engineering staff and the Environmental staff is critical to the success of this program. Recognizing the differences in communication, a separate communication strategy will be developed with each Construction PE and refined as needed.

The basic components of the strategy include:

- Understand the needs of each PE and staff
- Work in an advisory and support capacity to each Contract PE office
- Develop a strategy for conflict resolution
- How to provide consistency and feedback
- Understand contract administration
- Keep regional, construction and environmental management informed

2. Early Coordination

During the design phase of a project, the Construction Services Program will work to ensure that design commitments are fully understood and constructible. Staff involved with environmental design will keep an ongoing spreadsheet of all environmental commitments (see commitment list) to be carried forward into the contract. At the same time a commitment is being made, it is discussed with the construction staff to first, make sure it is constructible, and second, to make sure it is properly addressed in the Standard Specifications. Early coordination with regard to environmental processes will help to minimize conflicts between design and construction and should help to further minimize non-compliant situations.

Mitigation Planning

Early coordination efforts with environmental design squads during early mitigation development planning are an important part of the Construction Services Program. Benefits derived from early coordination range from cost benefits, time saving and overall project efficiency and success.

The Construction Services role in mitigation planning include:

- Assisting in site selection
- Resource Agency overview
- Research issues that could result in construction difficulties
- Contract plan development
- Implementation

Permits

Environmental Design squads are responsible for obtaining permits. The role of the Environmental Construction Services program is to make certain that permit conditions are reviewed and understood by the appropriate construction staff at SCR. Prior to PS&E, modifications for constructability purposes can be negotiated with resource agencies.

General permit review goals include:

- Make sure that permit conditions do not conflict with other aspects of the contract or project commitments
- Clarify permit conditions and ambiguities
- Address constructability conflicts

Plans, Specifications and Engineering (PS&E)

The PS&E phase includes activities necessary to ensure compliance with environmental commitments. Environmental construction staff will work in tandem with environment design squads to determine appropriate methods of commitment implementation. The previously mentioned commitment spreadsheet will be provided to the Design PE responsible for PS&E and will be the basis of the Environmental Construction Manual for Field Inspectors.

Environmental Pre-construction Conference

Environmental construction staff will work with the regional construction offices to help describe the environmental requirements of the contract. For large projects it is often necessary to conduct a Pre-Construction Conference specifically for environmental purposes. In such cases, the environmental construction staff will work with the appropriate staff of the Contract PE office to identify who should attend and how the meeting shall proceed. During any Pre-construction conference, the work aids to help in the compliance effort are explained in detail.

General Pre-Con goals include:

- Present the Environmental Compliance Construction Manual for Field Inspectors and discuss contents
- Discuss critical aspects of the project that are applicable to the contractor
- Provide contact list and phone numbers

3. Field Compliance

The field compliance phase of this program works in cooperation with the PE and field Engineers to ensure environmental compliance. Typically the PE will assign the environmental tasks of a contract to an E3 in the field who will work with their assigned staff to achieve compliance goals. This includes submittal of weekly compliance reports to environmental construction staff. Environmental staff will assist the PE and their staff

at any time, but will be present during critical phases of the project. Environmental staff will also be responsible for commitments that are not governed by the contract.

Environmental Construction Manual for Field Inspectors

This manual is the Field Engineers tool to better understand and enforce the various environmental commitments of a project. It has been revised from previous years to be more effective.

The manual includes the following sections:

1. Environmental Compliance Assurance Procedure for Construction Projects
2. Contact List
3. Commitments
4. Specials
5. Notification
6. Reporting/Monitoring Master Forms
 - a. Weekly Inspection Report for Environmental Commitments
 - b. Monitoring Report
7. Applicable Permits
8. Water Quality procedures
9. Temporary Erosion Sediment Control Plan (WSDOT or Contractor provided)
10. Spill Prevention Countermeasures Control Plan (Contractor provided)
11. Archaeological/Historical
 - a. Include Inadvertent Discovery Notification Sequence flowchart
12. Training

Reporting

In reporting compliance, it is important to document positive results whenever possible. During project construction, engineering staff will collect field data for the environmental staff to use when producing quarterly project summary reports and a regional compliance report. The project Summary Report provides a brief narrative of construction activities pertaining to specific projects (see Summary Report attached). The Regional Compliance Report uses an incident rating scale to measure construction and maintenance compliance pertaining to all active projects within a quarter (See Region Compliance attached).

4. Post Construction

Often times project commitments will extend past the construction phase and require maintenance activities or tasks to help ensure their success. The Environmental Construction Services Program will build communication links and opportunities with the Maintenance Environmental Program to help ensure that long-term maintenance commitments are appropriately transferred and completed. While it will be the responsibility of the Maintenance Environmental Program to provide for the internal

organization and management of any long-term commitments, the Environmental Construction Services Program will provide the following activities to help ensure commitment success:

- Quarterly meetings with the Maintenance Environmental Program on current and future construction projects within the SCR.
- Project commitments requiring long-term maintenance activities are handed off to the Maintenance Environmental Program.
- Opportunity to comment on changes that occurs during the construction phase that may impact any long-term commitments that require long-term maintenance activities.
- Access or copies of commitments that remain in force after construction activities are completed.
- As needed, program support and consultation with the Maintenance Environmental Program.

SR 240, I-182 Environmental Commitments

Environmental Commitments	Commitment Reference	Contract Provisions	Standard Specifications
Division 1, General Requirements			
HPA is issued may be held liable for any loss or damage to fish life or fish habitat, which results from failure to comply with the provisions of this HPA.	Appendix A HPA	1-07.5(2), p. 156, v. 1	
Minimize construction related impacts to migratory birds (noise, dust, air quality, etc.) between the project and the backwaters of the Columbia River during annual nesting and migration seasons	JARPA	1-07.5(3), p. 158, v. 1	
Actively control storm water runoff to prevent transport of sediments off the project site.		Erodible Soil Eastern Washington p.284	1-07.5(3) State Dept. of Ecology & 1-07.15 Temporary Water Pollution/Erosion Control & 8-01.3(1) General
Staging areas must be pre-approved by the Contract PE, and located in areas that will avoid the potential for environmental degradation. If located in upland areas within the project vicinity, but within the 100-year floodplain, a contingency plan must be developed to eliminate impacts.	JARPA	N/A	1-07.15(1) SPCC Plan
All internal combustion engine-powered equipment would be required to have an effective exhaust muffler in good condition. Minimize nighttime work activity if required. Turn off construction equipment during long periods of nonuse. Locate stationary equipment away from receiving properties. Require contractor to maintain equipment and train operators to reduce noise levels during operation.	EA 3.3 p. 29-33	N/A	1-05.9 Equipment
Fueling areas must be pre-approved by the Contract PE and must be in compliance with the approved Spill Prevention Countermeasures Plan.	JARPA	N/A	1-07.15(1) SPCC Plan
Truck Washout location and design shall be pre-approved by the Contract PE.	JARPA	N/A	1-07.15(1) SPCC Plan
Grubbed or disturbed ground that drains towards the river, shorelines, or wetlands and is or will be exposed for more than seven consecutive days shall be covered with a minimum of six inches of straw or other mulch to control soil erosion.	Appendix A HPA	Erodible Soil Eastern Washington p.284	1-07.5(3) State Dept. of Ecology & 1-07.15 Temporary Water Pollution/Erosion Control & 8-01.3(1) General
Division 2, Earthwork			
Debris, overburden, and other waste materials from construction shall be disposed of in a manner that will prevent their entry by erosion from drainage, high water, or other means into the Yakima River.	Appendix H Shoreline Substantial Dpt Permit #SM2-2004	Contractor Provided Disposal Site (supplement) p.214	2-03.3(7)C Contractor Provided Disposal Site

Environmental Commitment Notification Requirements

Notification Requirement	Permit Location	Special Provision	Standard Specification	Date Notification Completed
WDFW HPA				
WDFW Area Habitat Biologist will receive notification at least 3 working days prior to construction	Appendix A <i>Provisions: 2</i>	State Dept. of Fish & Wildlife p. 156	1-07.5(2) supplement	
ECOLOGY 401				
At least 30 days prior to the pre-construction meeting	Appendix C <i>C. Notification Conditions: 1</i>	State Dept. of Ecology p. 156/157	1-07.5(3) supplement	
At least 7 days prior to the onset of any work on site	Appendix C <i>C. Notification Conditions: 1</i>	State Dept. of Ecology p. 156/157	1-07.5(3) supplement	
At least 7 days prior to construction of the on-site mitigation site	Appendix C <i>C. Notification Conditions: 1</i>	State Dept. of Ecology p. 156/157	1-07.5(3) supplement	
Within 7 days after the completion of the project	Appendix C <i>C. Notification Conditions: 1</i>	State Dept. of Ecology p. 156/157	1-07.5(3) supplement	
Signed statements from PE & Contractor provided to Ecology no less than 7 days before const. Begins.	Appendix C <i>C. Notification Conditions: 2</i>	State Dept. of Ecology p. 156/157	1-07.5(3) supplement	
Water Quality Monitoring Plan, submitted 30 days prior to beginning const.	Appendix C <i>D. Construction Stormwater Monitoring and Reporting Conditions: 1a</i>	State Dept. of Ecology p. 156/157	1-07.5(3) supplement	
TESC Plan, submitted 30 days prior to beginning const.	Appendix C <i>D. Construction Stormwater Monitoring and Reporting Conditions: 1b</i>	State Dept. of Ecology p. 156/157	1-07.5(3) supplement	
ECOLOGY NPDES Construction				
Submit Notice of Termination after final site stabilization.	Appendix D <i>S10. Notice of Termination</i>	State Dept. of Ecology p.157	1.07.5(3) supplement	
Non-compliance Notification: notify Ecology by phone. Information on threats to human health will be provided no later than 24hrs and if given orally will be supplemented with a written submission within 5 days.	Appendix D <i>General Conditions: G3 (S9-5, records of non-compliance will be kept for at least 3 yrs.)</i>	State Dept. of Ecology p.157	1.07.5(3) supplement	
USACE 404				
Submit by January 31, 2005 a signed agreement committing WSDOT/WDFW/MSCC to Armon Creek restoration activities.	Appendix G			

Environmental Commitment Monitoring Requirements

Monitoring Requirements	Permit Location	Date Report Completed	Date Report Submitted
WDFW HPA			
Revegetation shall be monitored through Dec. 31, 2009	Appendix A <i>Provisions: 1a</i>		
Ecology 401			
Creation and enhancement areas: 50% cover of native woody species @ 10yrs	Appendix C <i>F. Wetland Mitigation and Monitoring Conditions: 1d</i>		
Invertebrate Monitoring through year 10	Appendix C <i>F. Wetland Mitigation and Monitoring Conditions: 1e & 16</i>		
Monitor hydrology for monthly for 3 growing seasons at 10 soil pits	Appendix C <i>F. Wetland Mitigation and Monitoring Conditions: 1f & 17</i>		
Formal Mitigation Site Monitoring in Yrs 1, 3, 5, 7, 10	Appendix C <i>F. Wetland Mitigation and Monitoring Conditions: 1g & 18</i>		
Prior to planting, survey data of mitigation site grading must be submitted.	Appendix C <i>F. Wetland Mitigation and Monitoring Conditions: 6</i>		
USACE 404			
Mitigation monitoring for yrs 1, 2, 3, 5, 7 and 10	Appendix G <i>Permit Conditions: special conditions: f</i>		

Environmental Commitment Reporting Requirements

Reporting	Permit Location	Date Completed	Date Submitted
Ecology 401			
60 Days after planting, submit "As Built" Rpt of Wetland Mitigation Site	Appendix C <i>F. Wetland Mitigation and Monitoring Conditions: 7&8</i>		
3 copies of each annual report for mon. yrs 1,3,5,7 & 10 shall be sent to Ecology's Federal Permit Manager	Appendix C <i>F. Wetland Mitigation and Monitoring Conditions: 15</i>		
USACE 404			
Status report w/as built drawings to be submitted to the Corps, Seattle Dist. 13 months from the date of permit issuance	Appendix G <i>Permit Conditions: special conditions: e</i>		
Annual status reports of mitigation construction are required until mitigation construction is complete	Appendix G <i>Permit Conditions: special conditions: e</i>		
Monitoring reports due for yrs 1, 3, 5, 7 and 10 from the due date of the as-built drawings	Appendix G <i>Permit Conditions: special conditions: f</i>		
Special Provisions and Standard Specifications			
A TESC Inspection report shall be prepared for each inspection and shall be included in the TESC file. A copy of each report shall be provided to the Engineer	TESC 8-01.3(B) ESC Lead		

Summary Reports

SCR

Quarterly Report
1st Quarter - 2004

ENVIRONMENTAL Construction Services Program

Contract - C6630, Ryegrass Summit to Vantage (Nickel Project)

Will Smith - Contract PE

Bill Sauriol - Environmental Design/Construction Coordinator

Resources –

John Cichowski - Field Engineer Reports, Photos and Site Inspection

Cameron Kukes - Environmental Field Inspector, Photos and Site Inspection

IT'S YOUR NICKEL.
WATCH IT WORK.

Compliance Goals

The compliance goal for the Ryegrass Summit to Vantage, Truck Climbing Lane project is to ensure that the disturbed areas of the project are treated or protected in a manner that prevents sediments from entering Ryegrass Coulee Creek, a tributary to the Columbia River.

Measures of the contract proposed for temporary erosion control and recommendations provided by SCR Environmental Staff are as follows:

- Seed and/or mulch the site prior to snowfall in 2003
- Monitor weather to stay ahead of potential inclement weather

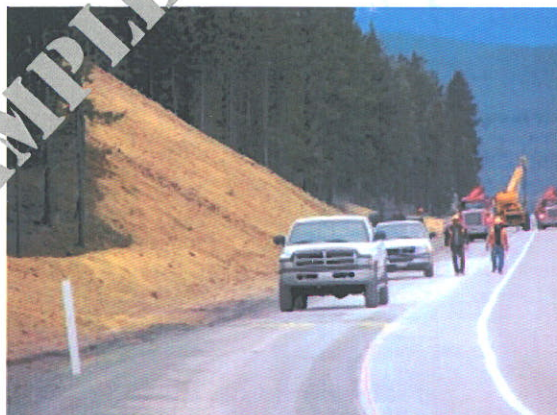
Compliance Results

The contractor and contract office have done an excellent job to minimize effects of the project on the environment. The field inspectors have been actively working to identify opportunities to improve performance and have regularly reported issues of concern to environmental staff.

Field Inspection Discussion

The initial erosion control BMP's have been set up since the beginning of the project. There have been weekly reviews by the project ECS. This year's snowmelt infiltrated into the ground and did not cause water quality problems in Ryegrass Coulee/Rock Creek.

There have been no non-compliance activities on this job. During two instances the environmental office was consulted, however, both were for future action.



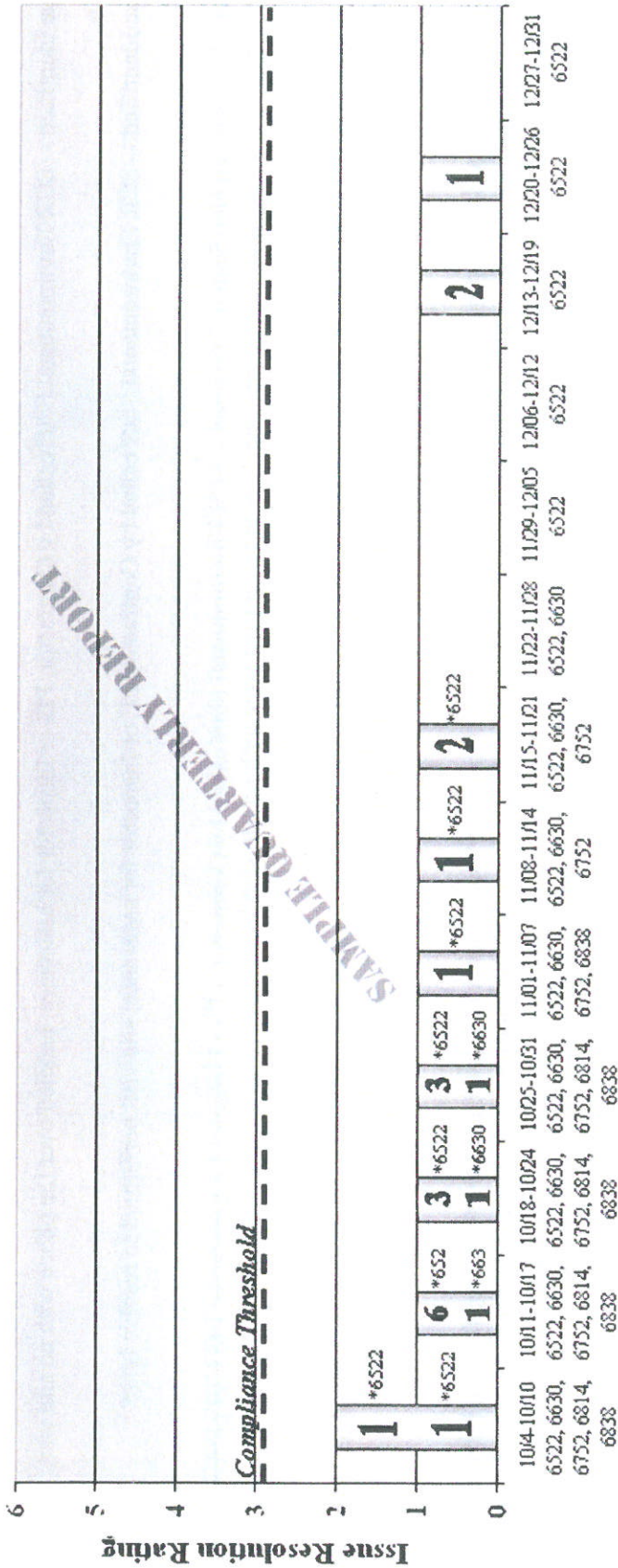
Roadside seed mulch and fertilizer application

- 4/21/04 – The Contractor requested to withdrawal water from the rock creek drainage. The contractor chose to renew the existing permit to withdrawal from the Columbia River.
- The Contractor requested to use a low area near Vantage to use as a waste area for phase 3, (lower portion) of the project. The area was identified as a wetland, and the contract office denied request.

Environmental office representative has been on site several times during last quarter. During each visit, the construction activity was above the minimum compliance requirements established by permits. A good example is the placement of a silt fence below a retaining wall located above a culvert (see Photo).



SCR 4th Quarter Compliance Report for Environmental Commitments



Numbers on Columns Indicate Issue Occurrences

* Indicates Contract Affiliation

Week Dates and Active Contracts

- Contract Index
- 6522 Yak Riv Br at Richland SR 240
- 6630 Ryegrass Summit I-90
- 6752 Cle Elum Riv Br I-90
- 6814 Wild Cat Crk US12
- 6838 Plymouth WIM SR82

Environmental Commitment Inspection Report

Contract #			Project Name:
Dates(To-From):			Field Inspector:
Issue	Day	Rating (0-6)*	Inspector Remarks: (Description of Construction Activity, Issues Identified etc.)
Air Quality Dust	M		
	T		
	W		
	TH		
	F		
Hazardous Materials	M		
	T		
	W		
	TH		
	F		
Noise	M		
	T		
	W		
	TH		
	F		
Section 106 Archaeology Historic	M		
	T		
	W		
	TH		
	F		
Stormwater Erosion Control	M		
	T		
	W		
	TH		
	F		
Water Quality In-Water Work Wetlands	M		
	T		
	W		
	TH		
	F		
Wildlife Migratory Birds	M		
	T		
	W		
	TH		
	F		
Other	M		
	T		
	W		
	TH		
	F		

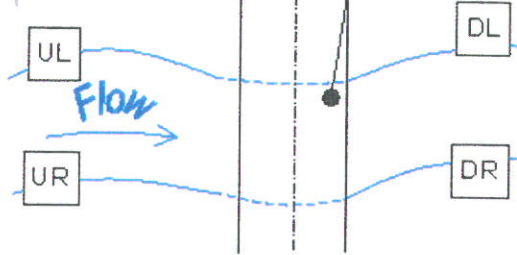
* Description of Rating (0-6) on page 2

Incident Rating

- 0 No Issue(s) Identified.**
No action taken.
- 1 Issue Identified.**
Contractor, PE & Inspector put BMP's in place to resolve issue.
- 2 Issue Identified.**
SCR Environmental staff called by Contractor, PE or Inspector for assistance.
Issue resolved through telephone conversations with no site visit.
- 3 Issue Identified.**
SCR Environmental staff called by Contractor, PE or Inspector for assistance.
SCR Environmental staff conducted site visit to resolve issue.
- 4 Issue Identified and Notification Triggered**
SCR Environmental staff called by Contractor, PE or Inspector for assistance.
SCR Environmental staff visit site.
Resource agency called for informal assistance to resolve issue.
Resolution through telephone conversation; No site visit by resource agency.
- 5 Issue Identified and Notification Triggered * Project is Out of Compliance ***
SCR Environmental Staff called by Contractor, PE or Inspector for assistance.
SCR Environmental staff visit site.
Resource agency notified formally; Site visit by resource agency;
Regional Administrator & HQ ESO notified.
- 6 Issue Identified and Notification Triggered * Project is Out of Compliance ***
SCR Environmental Staff called by Contractor, PE or Inspector for assistance.
SCR Environmental staff visit site.
Resource agency notified formally; Site visit by resource agency.
Regional Administrator, HQ ESO and DOT Secretary notified.
Letter or Notice of Violation issued by resource agency.

Water Quality Monitoring Checklist

Indicate on sketch,
source samples taken
as S1, S2, etc.



S1
EXAMPLE

Date(s)

Contract #

Project Name

Water Quality Tester

CLASS AA WATER BODY

UL=Upstream left

UR=Upstream right

S1=Outfall Source

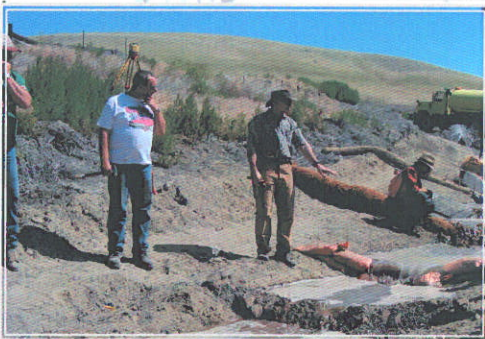
DL=Downstream left

DR=Downstream right

[illegible]

**South
Central
Region**

Environmental Maintenance Services Program



Contact List

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Restoration Lead

John Stimberis (509) 577-1757

Washington State Department of Transportation Maintenance Environmental Compliance Plan – South Central Region

The WSDOT Maintenance Compliance Plan is comprised of nine non-discretionary program elements that provide a basic umbrella for the maintenance environmental compliance program. Each WSDOT region will implement a Regional Maintenance Compliance Plan to avoid or minimize violations. Each program element is described below and in the *Regional Road Maintenance ESA Program Guidelines (Guidelines)*.

Element 1 – Statewide Regional Maintenance Environmental Coordinator's (RMEC) Meetings

The RMEC meetings are conducted quarterly, or more often if needed. Each region has identified an individual as their Regional Maintenance Environmental Coordinator. The meetings provide a venue whereby new information and experiences are shared between members to improve the environmental program. The RMEC reports to the Regional Forum Representative. The following types of information are reported:

- Administrative program functions.
- Field meetings with maintenance crews and resource agency staff.
- Hands-on crew experiences with various BMPs under various conditions.
- Discovery of new products or BMP inventions and applications.
- Results of scientific research and case studies.
- Feedback on training, sensitive area data collection, and ESA reports.

Additionally, if a problem with program implementation occurs in one region, it is shared with the other regions so the problem is not repeated.

Element 2 – Training

Maintenance personnel must understand and correctly implement BMPs for the maintenance activities accomplished in sensitive areas. Environmental compliance information is available through WSDOT's extensive outreach and training program.

Existing opportunities to provide environmental compliance training include:

- Annual Statewide Maintenance Engineers' Meetings
- Bi-Monthly Regional Maintenance Superintendent Meetings
- Monthly Crew Safety Meetings
- Maintenance Academy (twice per year)
- Maintenance Leadership Forum
- Disaster Workshop (as needed)
- Annual WSDOT Spring Training
- Annual Snow & Ice Training
- Annual Road & Street Maintenance School (Washington State University)
- Annual Bridge Maintenance Supervisors Meeting
- Erosion And Sediment Control Training

Environmental compliance training is based on WSDOT's Endangered Species Act § 4(d) Program. WSDOT Maintenance and Operations Headquarters staff, T2 instructors, Regional Maintenance Environmental Coordinators, Regional Maintenance Training Coordinators, or other trainers may teach the curriculum. Key staff members and crewmembers will attend training in their area(s) of responsibility. The courses are listed below:

- Course 101 - Executive Overview
- Course 102 - Field Maintenance Crew Overview
- Course 103 - Field Application of BMPs
- Course 104 - Emergency Response
- Course 106 - Roadside & Vegetation Maintenance
- Course 107 - Stormwater Control
- Course 108 - ESA 4(d) Reporting Requirements
- Course 109 - Snow & Ice Control
- Course 110 - Bridge Maintenance

Element 3 – Compliance Monitoring

The objective of compliance monitoring is to evaluate the consistency of the program statewide. Compliance monitoring takes place at several levels: Regional Maintenance Environmental Coordinators, Maintenance Staff, Environmental Staff, and local, state, and federal permitting authorities that evaluate BMPs for use and implementation.

Element 4 – Scientific Research

The scientific research element serves to verify the effectiveness of BMPs and to update BMPs based on the latest technologies. Using information derived from scientific research can maximize compliance. The scientific research information is communicated throughout the state via the Regional Forum, the Headquarters Maintenance and Operations Water Quality Policy Manager, the RMECs, and provided to the maintenance crews.

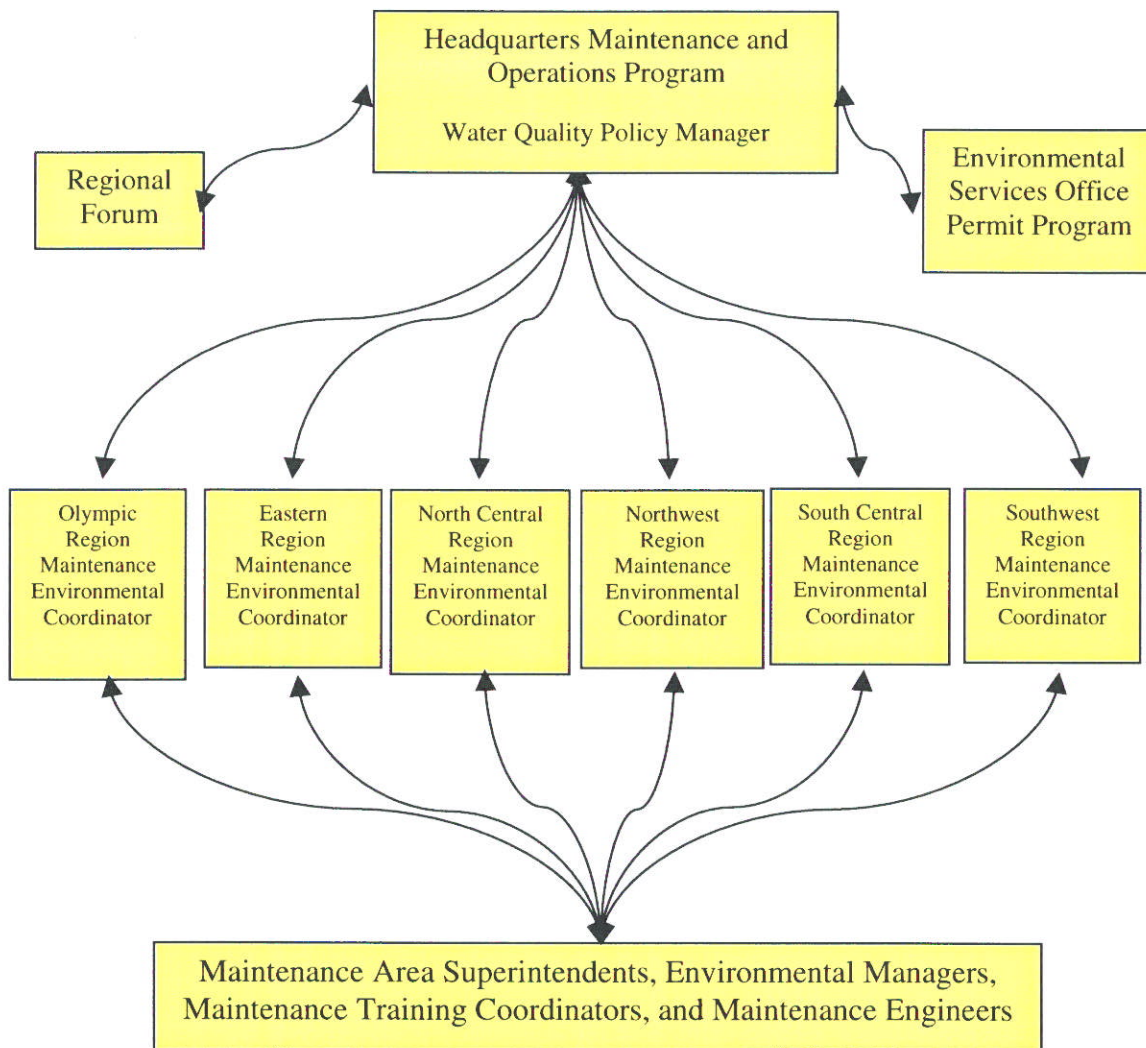
Element 5 – Adaptive Management

Adaptive Management provides a means by which potential impacts are avoided, or minimized, and compliance is assured. Actions may need to be modified as experience and technology increases.

Adaptive Management includes, but is not limited to, the following:

- A *Roadside Sensitive Management Area* atlas has been created to identify sensitive areas within the ROW. The atlases have been distributed to maintenance sheds statewide. The atlas will be updated as needed.
- Knowing the location of sensitive areas within the Right-of-Way (ROW) and using BMPs during maintenance activities in sensitive (priority) areas.

- Trained maintenance personnel may modify BMPs to achieve compliance.
- Maintenance personnel are provided Personnel Data Assistants (PDAs) to allow them to enter data into the “ESA Compliance” checklist. The “Comments” section is utilized as a tool to evaluate the applicability of the BMPs. The completed checklist documents our compliance with local, state, and federal law.
- Communication is vital to Adaptive Management. See diagram below:



Element 6 – Emergency Response

WSDOT's Emergency Response measures include keeping local, state, and federal regulatory agencies apprised of the conditions.

Element 7 – Sensitive Area Mapping and Marking

Sensitive areas within the ROW have been surveyed wherever they come within 300 feet of the roadway. These sensitive areas are:

- **Mapped**, or annotated, in the *Roadside Sensitive Management Area* atlas. Copies of the atlas have been distributed to each maintenance shed throughout the state.
- **Marked** with a WSDOT Sensitive Area Marker (a.k.a. fish stick).

Element 8 - Compliance Reporting

Documentation of work accomplished in sensitive (priority) areas is reported by maintenance crews using the PDA or a desktop computer. The completed checklist demonstrates compliance.

The RMEC must be notified before any maintenance activity begins within waters of the state. Maintenance work in or adjacent to streams, wetlands, lakes, marine water, or other water bodies may require some form of environmental review and/or notification (although in most cases individual permits may not be required). The RMEC determines if individual permits are required by local, state, or federal agencies, and assists in obtaining them if needed. Failure to obtain required permits, or any deviation from the restrictions, provisions, or conditions of a permit constitutes an environmental violation.

Environmental Violations

When a violation occurs, stabilize the situation, and stop work. Contact the RMEC immediately, describe the situation, and request assistance.

Violation Reporting:

The **Maintenance Personnel** on site

- Notifies the Maintenance Superintendent.

The **Maintenance Superintendent**

- Notifies the Regional Maintenance Engineer/Manager and the RMEC.

The **RMEC**

- Serves as the contact lead.
- Immediately notifies the appropriate local, state, and federal agencies, Regional Environmental Manager, and the Headquarters Maintenance and Operations Water Quality Policy Manager.
- Identifies and obtains appropriate permits or permit revisions.

- Documents all actions, conversations and activities. Communicates issues and sends documentation to the appropriate resource agencies.

The **Headquarters Maintenance and Operations Water Quality Policy Manager**

- Notifies the Headquarters Maintenance and Operations Environmental Services Manager.

The **Headquarters Maintenance and Operations Environmental Services Manager**

- Notifies the Environmental Services Office Compliance Branch Manager.
- Determines if the violation is significant to warrant notification to the State Maintenance Engineer.

The **Environmental Service Office Compliance Branch Manager**

- Documents the details of the notification process and problem resolution in a central data base used to report, as may be required by an Environmental Management System, on agency compliance with environmental regulations.
- Determines if the violation is significant to warrant notification to the Director Environmental Services.

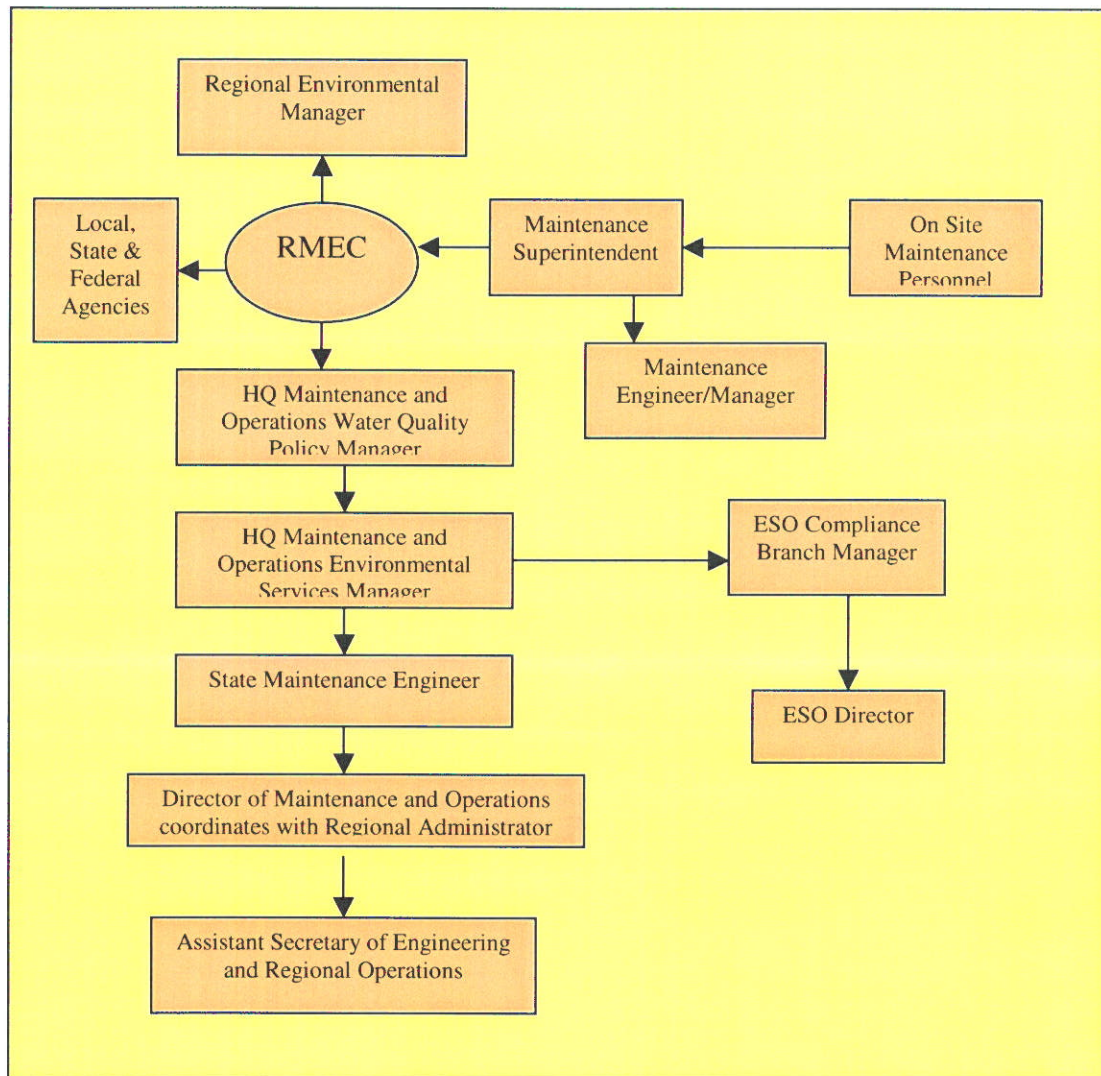
The **State Maintenance Engineer** (if notified)

- Notifies the Director of Maintenance and Operations

The **Director of Maintenance and Operations**

- Coordinates with the **Regional Administrator** to contact the **Assistant Secretary of Engineering and Regional Operations** and advise on the situation, and provide updates as needed on the situation.

The violation notification process is shown below.



Violation Appeals

Management will support violation appeals when documentation supports that BMPs were in place and the best professional judgment of trained maintenance personnel was used during the completion of a maintenance action. Appeals will be filed.

RMEC FIELD GUIDE INSTRUCTIONS

1. Maintenance notifies RMEC with proposed in water work activity or potential work activity that could impact water. The notification will include maintenance contact and location (Highway # and mile post). Go to step 2.
2. Review work for consistency with programmatic permits. If no go to step 3. If yes go to step 5.
3. RMEC or appropriate individual submits individual permit application. Go to Step 4.
4. RMEC or appropriate individual receives permit approval. Go to Step 5.
5. RMEC or appropriate individual contacts maintenance crew to inform them that work is covered under a General or individual permit. Provide a copy of the applicable permit to the crews. Go to step 6.
6. Maintenance fills out ESA PDA checklist and goes to work with copies of the appropriate permits on site.

RMEC ESA 4(d) PDA Checklist

1. RMEC Team Meetings dates scheduled/held.
2. Compliance Monitoring Meetings dates scheduled/held.
3. Number of activities that was conducted under emergency response notifications made include:
 - a. Date work was done.
 - b. Waterbody
 - c. Activity description
 - d. Location (Hwy # & MP beginning and end if appropriate)
 - e. Site Specific BMPs utilized
 - f. BMP modifications
4. Literature searches conducted or reviewed. Include date, topic and BMP evaluated, along with any recommended changes.
5. Case studies evaluated or reviewed. Include date, topic and BMP evaluated, along with any recommended changes.

ENVIRONMENTAL GUIDELINES FOR MAINTENANCE PROJECTS

This is the standardized process that is intended to help speed up the permit process by keeping everyone involved and informed of his or her permit status. To make this process work at utmost efficiency some areas may need additional equipment. This information is intended to help SCR Maintenance personnel determine what environmental preparation is needed for work being planned in an environmentally sensitive area.

SITUATIONS YOU SHOULD UTILIZE THE PROCESS IN THIS DOCUMENT.

- Anytime work is planned within an area that has visible watermarks you are considered to be within a waterway. These marks may not be recent but still indicate high water.
- Anytime you plan to work within 300' of a body of water- this includes all water channels with obvious channel migration zones or floodplains. All Perennial streams and rivers, irrigation canals and ditches, channelized streams flowing along the roadside, intermittent stream channels associated with culverts. Roadside ditches, which could be expected to carry pollutants or siltation into downstream sensitive areas or water-related features.
- Anytime you are diverting or re-channeling drainage.
- Anytime you are working in the vicinity of wetlands- look carefully for variation in topography, this may indicate a stream or wetland. Some wetlands are difficult to identify conclusively even with extensive data collection during the best time of the year. If in doubt call the Environmental Office for advice.
- Anytime you feel you are working in an environmentally sensitive area.

These are examples. You are always welcome to first call the environmental office to get advice on how to proceed. Contact Mark Reynolds, SCR Maintenance Environmental Coordinator, at (509) 577-1755 or Gary Beeman, SCR Environmental Program Manager at (509) 577-1750

STEP 1- PLANNING

- Inspection/ Observation/ Documentation -When a problem is first discovered or a project is planned in an area where a permit may be needed to complete the project.
Try to plan up to 12 months in advance considering seasonal weather and in water work windows.
- Look at proposed construction projects in the area. (may be able to combine projects or permits)
- Scoping of project, labor, materials, equipment, etc., work schedule by fish window.
- Coordinate with other entities, agencies, or land owners. (may be able to partner)

STEP 2 - ASSESSMENT OF PROJECT

- Identify project location, surrounding attributes, and potential areas requiring permits.
- Gather the necessary information and fill out a “Environmental Questionnaire for Maintenance Projects” (see your Maintenance Coordinator).
- Include in the description of work any specifications of the material being used if possible, BMPs you will use, Sketches of current conditions and proposed fix, Photos (digital if possible) and estimated time line for the work operation.

Step 3 - SUBMITTING REQUESTS FOR PERMITS

- Contact the SCR Environmental Office with the information on the Questionnaire.
- Environmental Office staff will contact you for more information as needed.
- Renewal of existing permits must be done through the Environmental Office.
- You will receive a permit summary form from the Environmental Office showing what permits are needed for your project.

Step 4 -ACQUISITION - WAITING/TRACKING

- If you have questions contact the Environmental Office directly.
- Environmental Office will arrange field reviews with regulatory agencies if necessary
- Stay in contact and communication with the Environmental Office.
- Environmental Office reviews the permit(s) and forwards them to maintenance ASAP.

Step 5 - SCHEDULING THE WORK

- Read permit restrictions/requirements.
The environmental Office can help to clarify and explain restrictions, mitigation, and requirements on the permit(s)
- Coordinate with other agencies, or others affected , when required
Contact anyone else involved (agencies, entities, or adjacent land owners who may be effected)
- Schedule the labor, equipment, materials, etc.
Include BMP materials needed to comply with the regulations.

- Notify SWR Environmental Office of intended start date.

Step 6 - DO THE WORK

- Do the work following the permit requirements.
- Insure that appropriate notification is made, as required by the permits.
- Document work in progress to show compliance. Documentation and photos will help to show you were in compliance with the permit requirements while working. (Liability & legal issues)
- Contact the Environmental Office when project is completed.
Some agencies want to inspect the completed projects.



Washington State
Department of Transportation

Instructional Letter

Number: IL 4057.01

/s/ John F. Conrad
Assistant Secretary for Engineering and
Regional Operations Division

Effective: March 31, 2003
Expires: ~~March 31, 2004~~
March 31, 2005

Environmental Compliance Assurance Procedure For Maintenance Work Activities

Introduction

Purpose

This Instructional Letter provides the Washington State Department of Transportation (WSDOT) with the *Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities*. The purpose of this procedure is to recognize potential problems that could occur within the right-of-way during fieldwork for selected maintenance activities. This procedure provides guidance to ensure prompt notification to the appropriate WSDOT environmental staff, management, and resource agencies.

Background

The *Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities* provides a standard procedure for identifying unanticipated, unauthorized, or un-permitted environmental conditions encountered during WSDOT maintenance work activities. This procedure is intended to raise awareness and reduce or eliminate the occurrence of environmental violations during fieldwork in WSDOT right-of-way for selected maintenance activities.

Scope and term of this Instructional Letter

This Instructional Letter applies to WSDOT maintenance work activities. Procedures are effective immediately and continue for one year or until rescinded or extended in writing. The procedure will be published in the Environmental Procedures Manual M 31-11 within one year.

Appendix

Please refer to attached Appendix A, *Environmental Compliance Assurance Procedure for Maintenance Work and Activities*.

Alternate Formats: Persons with disabilities may request this information be prepared and supplied in alternate formats by calling the WSDOT ADA Accommodation Hotline collect 206-389-2839. Persons with hearing impairments may access WA State Telecommunications Relay Service at TT 1-800-833-6388, Tele-Braille 1-800-833-6385, or Voice 1-800-833-6384, and ask for connection to 360-705-7097.

Environmental Compliance Assurance Procedure for Maintenance Work Activities

Purpose

The purpose of the Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities is to recognize potential problems that could occur within the right-of-way (ROW) during fieldwork for selected maintenance activities, and to coordinate appropriate response measures to prevent violations. The procedure provides guidance to ensure prompt notification to the appropriate Washington State Department of Transportation (WSDOT) environmental staff, management, and government resource agencies such as: United States (US) National Oceanic and Atmospheric Administration. (NOAA) Fisheries; US Fish & Wildlife Service (USFWS); US Army Corps of Engineers; Washington Department of Fish and Wildlife (WDFW); Washington Department of Ecology; and local Shoreline Administrators.

A. Notification Triggers

Resource Agencies: Communication requirements with the appropriate resource agencies are defined in the Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) under the Part 3 Application. Specific notification from maintenance crews to the resource agencies is required in the following situations:

1. In-Water Work

Maintenance work in or adjacent to streams, wetlands, lakes, marine water or other water bodies may require some form of environmental review and/or notification, although in most cases formal permits may not be required. This is coordinated through the Regional Maintenance Environmental Coordinator (RMEC). The RMEC must be notified before beginning any work activity within sensitive or aquatic areas. If prior notification is not possible due to an emergency action, the Region Environmental Services Office must be informed the first business day following an emergency declaration.

2. Emergency In-Water Work

The Washington State Department of Fish and Wildlife (WDFW) through the state Hydraulic Code does require immediate notification for any emergency work in waters of the state. For emergency response work involving in-water work Maintenance staff will immediately call the local Area Habitat Biologist with jurisdiction in the affected watershed, or failing to make that contact, the **WDFW emergency hotline at 360-902-2537**.

The RMEC or Region Environmental Services Office will make additional notifications required for in-water work on the first business day following the response notification. Following notification, the Environmental Services Office will commence environmental permitting and endangered species impact assessment as required.

It is important to note that the initial emergency response work is to stabilize the affected area only, minimizing adverse environmental effects, and using Best Management Practices (BMPs) to avoid further impact. The normal design, construction and permit will be followed for permanent repairs as may be necessary after stabilizing the initial emergency.

B. Post-Project Construction Requirements

When a construction project has been completed, the Project Engineer (PE) must provide notification to the Regional Environmental Manager. The Regional Environmental Manager, in consultation with the PE, should then brief Regional Maintenance Superintendents and Maintenance Environmental Coordinators on any environmental permit conditions with post-construction requirements and on all mitigation sites in the project area needing avoidance or protection. Perform this briefing according to Regional procedures.

C. Corrective Actions & Violation Notification Process

1. **BMP Corrective Actions**

During the course of maintenance work, BMPs are installed and monitored. BMP monitoring occurs both during and after the maintenance work itself to evaluate the effectiveness.

- a. The **site monitor** (lead technician or designee) will:
 - 1) Notify the lead technician and/or the RMEC of any apparent failures to meet BMP outcomes.
 - 2) Provide corrective action recommendations if appropriate. If a problem occurs, corrective action will be taken to avoid impacts and to achieve the BMP outcome.
- b. Whenever corrective actions are taken, the **Regional Maintenance Environmental Coordinator (RMEC)** will:
 - 1) Evaluate the actions and their effectiveness. The RMEC will fill out Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) Checklist #3, Activity and BMP Installation, Monitoring, Maintaining, and Removal, and note any corrective actions taken.
 - 2) Recommendations for modification to the RRMP, which includes the ESA Training Program for Maintenance, are forwarded to the Headquarters Maintenance and Operations Program Water Quality Policy Manager. The Headquarters Maintenance and Operations Program Water Quality Policy Manager forwards any recommendations for modifications to the RRMP to the Regional Forum. Final program changes, as approved by the Services, are used to update the RRMP.

2. Violation Reporting

- a. If the corrective actions result in a violation the **Regional Maintenance Environmental Coordinator (RMEC)** must:
 - 1) Serve as the lead for resolving the issue that caused the violation.
 - 2) Immediately notify the Maintenance Superintendent, Regional Environmental Manager, resource agencies, and the Headquarters Maintenance and Operations Program Water Quality Policy Manager.

- 3) Identify and obtain appropriate permits or permit revisions with the aid of the Maintenance Superintendent and support of the Regional Environmental Manager.
 - 4) Document all actions, conversations and activities. Communicate issues and send appropriate documentation to the appropriate resource agencies.
- b. The **Maintenance Superintendent** must immediately:
- 1) Notify the Regional Maintenance Engineer.
 - 2) Work with the Regional Maintenance Environmental Coordinator to resolve the issue that caused the violation.
- c. The **Regional Maintenance Engineer** will:
- Notify the Regional Administrator.
- d. The **Regional Administrator** will:
- 1) Coordinate with the **Director of Maintenance and Operations** to contact the **Assistant Secretary for Engineering and Regional Operations Division** advising him or her of the situation, and provide updates as needed on the situation.
 - 2) Ensure that the **Regional Maintenance Environmental Coordinator** and the **Maintenance Superintendent** have the necessary resources, authority and organizational support to successfully resolve the environmental problem.
- e. The **Regional Environmental Manager** must immediately:
- 1) Notify the Director of Environmental Services.
 - 2) Document the details of the notification process and problem resolution in a central data base to be used to report, as may be required by an Environmental Management System, on agency compliance with environmental regulations.

- f. The **Director of Environmental Services** must immediately:

Notify Regulatory Compliance Program Manager and any other Environmental Affairs Office Program Managers associated with the resource issue.
- g. The **Headquarters Maintenance and Operations Programs Water Quality (HQ M&OP WQ) Policy Manager** must immediately:

Notify the Headquarters Maintenance and Operations Environmental Services Manager.
- h. The **Headquarters Maintenance and Operations Programs Environmental Services Manager** must immediately:

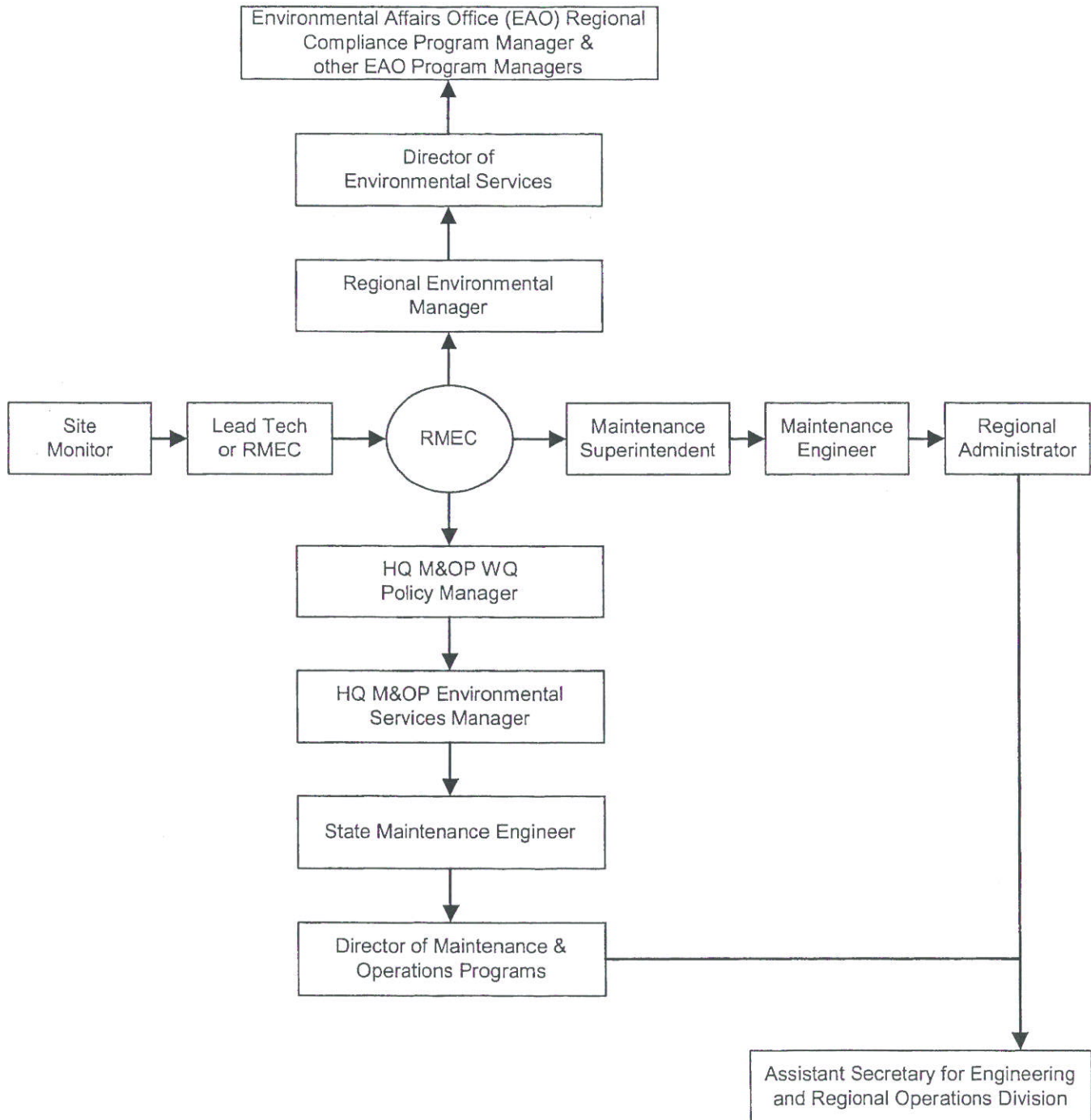
Notify the State Maintenance Engineer.
- i. The **State Maintenance Engineer** must immediately:

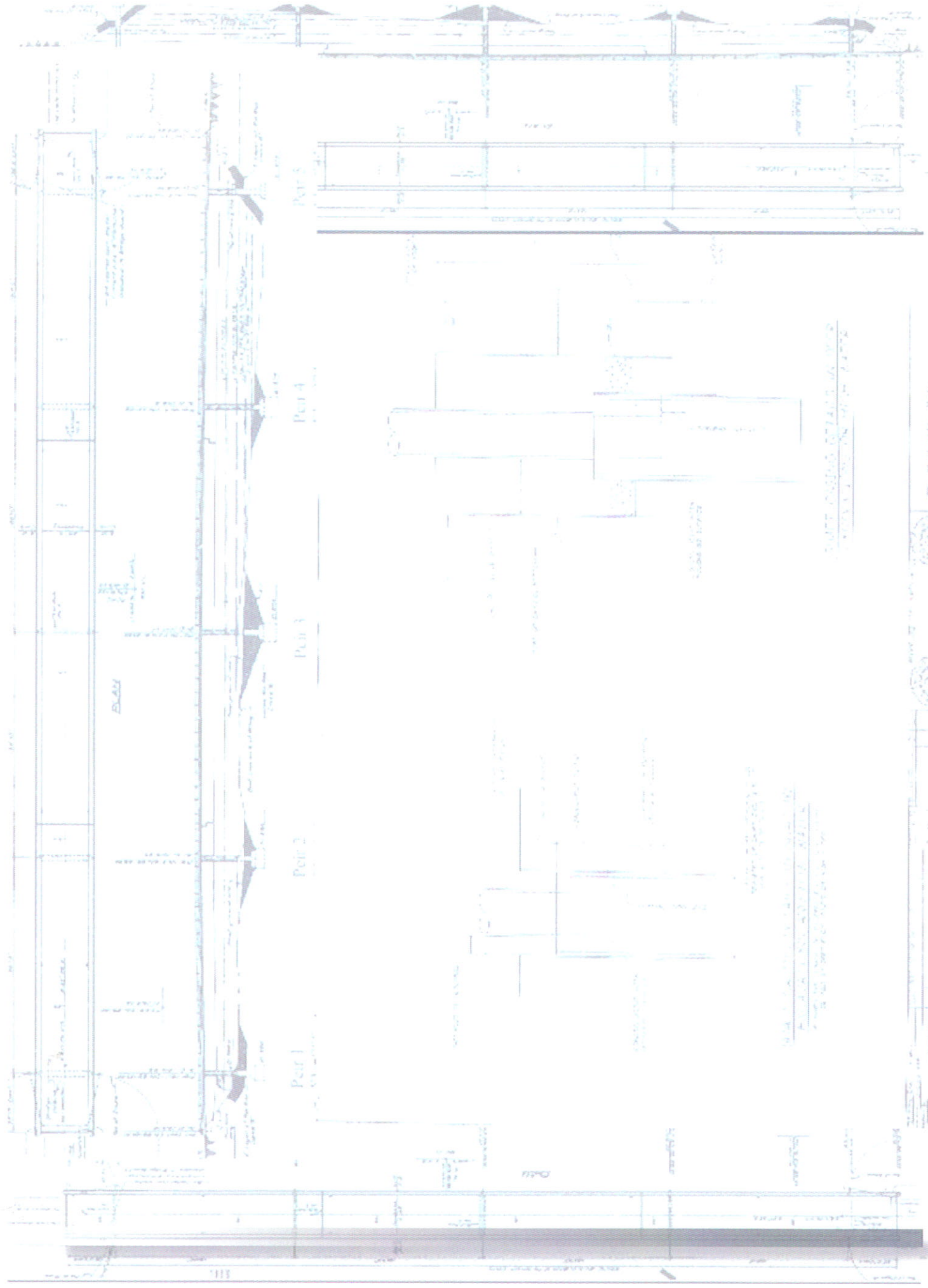
Notify the Director of Maintenance and Operations Programs.
- j. The **Director of Maintenance and Operations Programs** will:

Coordinate with the **Regional Administrator** to contact the **Assistant Secretary for Engineering and Regional Operations Division** advising him or her of the situation, and provide updates as needed on the situation.

The violation notification process is shown on Figure 1, next page.

Figure 1:





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